

HONORABLE THOMAS O. RICE

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District and School District Defendants

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

I.V., a minor child; and APRIL OLIVARES
and FERNANDO OLIVARES VARGAS,
parents of I.V.,

Plaintiffs,

vs.

Case No. 2:17-cv-00118-TOR

Y.A.F., a minor child, MARIA M. PEREZ
FLORES, as guardian of Y.A.F.,
WENATCHEE SCHOOL DISTRICT NO.
246, a political subdivision; TAUNYA
BROWN, individually and in her capacity
as an official of Orchard Middle School
and/or Wenatchee School District;
JEREMY WHEATLEY, individually and in
his capacity as an official of Orchard
Middle School and/or Wenatchee School
District; RONDA BRENDER individually
and in her capacity as an official of Orchard
Middle School and/or Wenatchee School
District; KELLI OTTLEY, individually and
in her capacity as an official of Orchard
Middle School and/or Wenatchee School
District; ELLEN McIRVIN, individually
and in her capacity as an official of Orchard
Middle School and/or Wenatchee School
District,

Defendants.

STIPULATED MOTION TO
DISMISS NEGLIGENCE
CLAIMS AGAINST
INDIVIDUALLY-NAMED
WENATCHEE SCHOOL
DISTRICT DEFENDANTS

Note on Motion Calendar:

**Date: April 12, 2018 at 6:30
p.m.**

Without Oral Argument

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2 COME NOW THE PARTIES, by and through their undersigned counsel,
3 and submit the following stipulated motion.
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5 **I. STIPULATION**

6 IT IS HEREBY STIPULATED BY THE PARTIES, THROUGH THEIR
7 ATTORNEYS, that:
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9 1. Plaintiffs' negligence claim (ECF 1, pg. 18, "Third Cause of Action:
10 Negligence") may be dismissed, without prejudice, against Defendants Taunya
11 Brown, Jeremy Wheatley, Ronda Brender, Kelli Ottley and Ellen McIrvin. This
12 stipulation does not affect any of Plaintiffs' other claims against any other named
13 defendant.
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16 2. With the dismissal of the negligence claim against Defendants
17 Taunya Brown, Jeremy Wheatley, Ronda Brender, Kelli Ottley and Ellen
18 McIrvin, there are no claims remaining against these defendants, and as such, the
19 caption should be amended to remove these defendants from the caption.
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23 **II. MOTION**

24 Based upon the foregoing stipulation, the parties respectfully request that
25 the Court enter an order:
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27 1. Dismissing the negligence claim against Defendants Taunya Brown,
28 Jeremy Wheatley, Ronda Brender, Kelli Ottley and Ellen McIrvin without
29 prejudice; and
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1 2. Amending the caption to remove the dismissed defendants from the
2
3 caption.

4 Dated this 13th day of March, 2018.

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6 EVANS, CRAVEN & LACKIE, P.S.
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9 By: s/ Michael E. McFarland, Jr.
10 MICHAEL E. McFARLAND, JR., WSBA #23000
11 SEAN E. HARKINS, WSBA #51113
Attorneys for Defendant Wenatchee School District

12 VOLYN LAW FIRM
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14
15 By: s/ Scott A. Volyn
16 SCOTT A. VOLYN, WSBA #21829
Attorney for Plaintiffs
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CERTIFICATE OF SERVICE

I hereby certify that on March 13, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

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